

@PFDesktop\ODMA\MHODMA\HBSR05; iManage; 574378; 1
RDF:inj
10/03/05

BEST AVAILABLE COPY

PATENT APPLICATION
Docket No.: 2173.1004-002
PATENT & TRADEMARK OFFICE
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2005 OCT 18 PM 4:18

Applicants: LeNoir E. Zaiser and Kevin Confoy

US PATENT & TRADEMARK
OFFICE

Application No.: 10/715,304 Group: 3743

Filed: November 17, 2003 Examiner: Teena Kay Mitchell

Confirmation No.: 5230

For: OXYGEN FLOW REGULATOR

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
<u>10-13-05</u>	<u>Mary J. Dawson</u>
Date	Signature
<u>Mary J. Dawson</u>	
Typed or printed name of person signing certificate	

REQUEST FOR REFUND UNDER 37 C.F.R. § 1.26

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On November 30, 2004, an Information Disclosure Statement was filed in the U.S. Patent and Trademark Office. On December 3, 2004 the Applicants' Attorney received an Office Action mailed by the Patent Office on December 1, 2004. The IDS was therefore filed before the mailing date of a first Office Action.

10/715,304

Copies of the following are enclosed:

1. Information Disclosure Statement showing the Certificate of Mailing of November 30, 2004;
2. Cover page of the first Office Action mailed by the USPTO on December 1, 2004; and
3. The postcard stamped by the USPTO acknowledging receipt of the Information Disclosure Statement showing Applicants' mailing date of November 30, 2004.

Applicants' Attorney is in receipt of a Monthly Statement of Deposit dated July 29, 2005, indicating that the Patent Office charged Deposit Account No. 08-0380 \$180.00 for Submission of an IDS for U.S. Application No. 10/715,304 (Attorney's Docket No. 2173.1004-002), Date Posted July 11, 2005.

Because the IDS was filed before the mailing date of the First Office Action, Applicants' Attorney respectfully requests that the Patent Office credit Deposit Account No. 08-0380 in the amount of \$180.00. A redacted copy of the Monthly Statement Deposit Account dated July 29, 2005 is also enclosed. In addition, a duplicate of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Rodney D. Johnson

Registration No.: 36,558

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

October 13, 2005

@PFDsktop1::ODMA/MHODMA/HBSKv5;iManage;515676;1
DLW/ets(plh)
November 30, 2004

PATENT APPLICATION
DOCKET NO.: 2173.1004-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LeNoir E. Zaiser and Kevin Confoy
Application No.: 10/715,304 Group Art Unit: 3761
Filed: November 17, 2003 Examiner: To be assigned
Confirmation No.: 5230
Title: OXYGEN FLOW REGULATOR

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
Nov. 30 2004	Patricia L. Hillery
Date	Signature
Patricia L. Hillery	
Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and:
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application file wrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
 - ☐ Copies of the cited references are enclosed.
 - ☒ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
 - ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
 - ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
 - ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
 - ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
 - ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

_____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

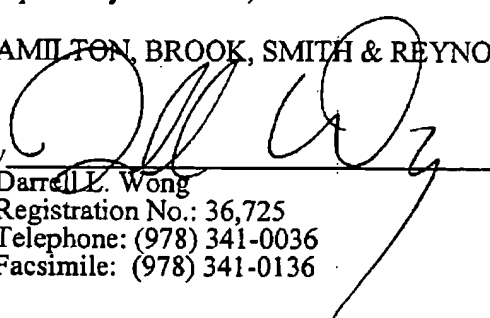
Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By


Darrell L. Wong

Registration No.: 36,725

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 11/30/2004



UNITED STATES PATENT AND TRADEMARK OFFICE

REF 6/1/05

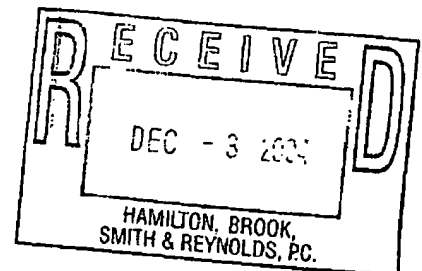
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22311-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,304	11/17/2003	LeNoir E. Zaiser	2173.1004-002	5230
21005	7590	12/01/2004	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.			MITCHELL, TEENA KAY	
530 VIRGINIA ROAD			ART UNIT	
P.O. BOX 9133			PAPER NUMBER	
CONCORD, MA 01742-9133			3743	

DOCKETED

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



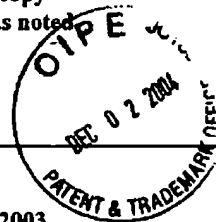
Initials: DLW/ets (plb)

Docket No.: 2173.1004-002

Date: November 30, 2004

This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

☒ INFORMATION DISCLOSURE STATEMENT ☐ w/copy
☒ Form PTO-1449 pp 1 ☐ with references as noted
☐ Check for \$ _____
☐ Authorization to Charge all Fees
☐ Copy of International Search Report
☐ Other _____



Applicant: LeNoir E. Zaiser *et al.*

Application No.: 10/715,304

Filed: November 17, 2003

Title: OXYGEN FLOW REGULATOR

Date received by the PTO:

@PFDDesktop\ODMA\MHODMA\HBSR05\iManage\516185;1



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**MONTHLY STATEMENT
OF DEPOSIT ACCOUNT**

To replenish your deposit account, detach and
return top portion with your check. Make check
payable to Director of Patents & Trademarks.

HAMILTON BROOK SMITH & REYNOLDS
LAURIE COHEN
530 VIRGINIA ROAD
P.O. BOX 9133
CONCORD MA 01742-9133

FINA

Account No.	080380
Date	7-29-05
Page	1

PLEASE SEND REMITTANCES TO:
U. S. Patent and Trademark Office
P.O. Box 70541
Chicago, IL 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
7	11	05	3	10715304	2173.1004-002	1806	180.00	71368.00
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT			OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **LeNoir E. Zaiser and Kevin Confoy**

Application No.: **10/715,304**

Group Art Unit: **3761**

Filed: **November 17, 2003**

Examiner: **To be assigned**

Confirmation No.: **5230**

Title: **OXYGEN FLOW REGULATOR**

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
Date: <u>Nov. 30 2004</u>	Signature: <u>Patricia L. Hillery</u>
Patricia L. Hillery Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
 - ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
 - ☒ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

7/11/2003 HMASSEY 37 CFR 1.1093(i): 10715304

1 FC:1806 Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Adjustment date: 12/01/2005 SDENBOK1
07/11/2005 HMASSEY 00000003 080380 10715304
01 FC:1806 180.00 CR

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☒ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.